

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAKAVIA MANAGEMENT CORP., et  
al.,

Plaintiffs,

v.

CURTIS BIGELOW, et al.,

Defendants.

No. 1:20-cv-00448-JLT-SKO

ORDER DIRECTING THE CLERK TO  
TERMINATE CROSS DEFENDANT  
BRANDON BIGELOW

(Doc. 155)

On October 24, 2025, Cross Claimants filed a “Notice of Voluntary Dismissal Without Prejudice of Claims Against Cross-Defendant Brandon Bigelow,” pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 155.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d

1 688, 692 (9th Cir. 1997).

2 Cross Claimants filed their notice before Cross Defendant Brandon Bigelow served either  
3 an answer to the crossclaim or a motion for summary judgment. As such, Cross Claimants have  
4 voluntarily dismissed Brandon Bigelow without prejudice, and this case has automatically  
5 terminated as to that cross defendant. Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of Court  
6 is directed to TERMINATE Cross Defendant Brandon Bigelow.

7 This case shall remain OPEN pending resolution of the case against the remaining parties.

8  
9 IT IS SO ORDERED.

10 Dated: **October 27, 2025**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE